

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

UNITED STATES OF AMERICA,

Plaintiff

vs.

ZAKEIA RASHON BLAKELY,

Defendant.

DOCKET NO. 3:02cr151
(Related Docket: 3:11cv251-GCM)

ORDER

THIS MATTER is before the Court on Defendant Motion for Time-Served Sentence (Doc. No. 73).

Defendant filed a motion to vacate sentence on May 19, 2011. The government filed its' response in opposition and motion to dismiss Defendant's motion on October 19, 2011. This Court denied and dismissed Defendant's motion on November 9, 2012. Defendant timely appealed to the Fourth Circuit Court of Appeals. Upon the Fourth Circuit's decision in *Miller v. United States*, 735 F.3d 141 (2013), counsel for the Defendant and the government agreed to a joint remand in this case to allow this Court to review this case for further proceedings. On November 5, 2013, the government filed an amended response in support of Defendant's motion to vacate. On November 7, 2013 this Court granted Defendant's motion and further ordered resentencing in this case.

On December 18, 2013, U.S. Probation Officer W. Ross Baker filed a Supplemental Presentence Report finding that Defendant's new applicable Guidelines range is 70-87 months

on Count One, plus 60 months consecutive on Count Five, for a total sentence of 130-147 months. According to the Supplement, Defendant's computation time for imprisonment began on October 22, 2003. He also received credit for time served from December 5, 2001, to December 14, 2001, (9 days) and from October 24, 2002, to January 3, 2003 (71 days). In total, he has now served 128 months' imprisonment, without taking into consideration good time credit. After factoring in good time credit and provided this Court resented Defendant to a term of imprisonment at the low-end of the Guidelines range, Defendant would have served in excess of that sentence.

Therefore, upon consideration of the relevant filings, this Court finds that a time-served sentence is appropriate. In order to most efficiently process Defendant's release, this Court hereby GRANTS Defendants motion for a time-served sentence without a hearing.

The Clerk is directed to certify copies of this order to Defendant, to counsel for Defendant, to the United States Attorney, and the United States Marshals Office.

Furthermore, The Bureau of Prisons is directed to release the Defendant 10-days after the signing of this Order.

SO ORDERED.

Signed: April 7, 2014

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

